



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

REPORT AND RECOMMENDATION

v.

23-CR-00026(RJA)(JJM)

JOSEPH R. WEDGE,

Defendant.

By Order dated March 6, 2023, District Judge Richard J. Arcara referred this case to me to take defendant Joseph R. Wedge's plea of guilty and to conduct an allocution pursuant to Fed. R. Crim. P. ("Rule") 11 for a Report and Recommendation. The following is my Report and Recommendation as to the Wedge's plea of guilty.

On March 14, 2023, Wedge appeared in person before me and entered a plea of guilty in this case. In accordance with my oral recommendation at the close of the plea proceeding, it is my Report and Recommendation that Wedge's plea of guilty accords with the requirements of Rule 11, and that your Honor adjudge him guilty of the offense to which the guilty plea was offered.

The time from today until Judge Arcara rules on this Report and Recommendation is excluded from the Speedy Trial Act calendar pursuant to 18 U.S.C. §§3161(h)(1)(D), (h)(1)(G) and (h)(1)(H).

Unless otherwise ordered by Judge Arcara, any objections to this Report and Recommendation must be filed with the clerk of this court by March 28, 2023. Any requests for extension of this deadline must be made to Judge Arcara. A party who "fails to object

timely . . . waives any right to further judicial review of [this] decision”. Wesolek v. Canadair Ltd., 838 F. 2d 55, 58 (2d Cir. 1988); Thomas v. Arn, 474 U.S. 140, 155 (1985).

Moreover, the district judge will ordinarily refuse to consider *de novo* arguments, case law and/or evidentiary material which could have been, but were not, presented to the magistrate judge in the first instance. Patterson-Leitch Co. v. Massachusetts Municipal Wholesale Electric Co., 840 F. 2d 985, 990-91 (1st Cir. 1988).

The parties are reminded that, pursuant to Rule 59(c)(2) of this Court’s Local Rules of Criminal Procedure, “[w]ritten objections . . . shall specifically identify the portions of the proposed findings and recommendations to which objection is made and the basis for each objection, and shall be supported by legal authority”, and pursuant to Local Rule 59(c)(3), the objections must include “a written statement either certifying that the objections do not raise new legal/factual arguments, or identifying the new arguments and explaining why they were not raised to the Magistrate Judge”. Failure to comply with these provisions may result in the district judge’s refusal to consider the objection.

Dated: March 14, 2023

/s/Jeremiah J. McCarthy
JEREMIAH J. MCCARTHY
United States Magistrate Judge